

Memorandum, J

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JOSE LOPEZ, individually and on
behalf of others similarly situated,

Plaintiff,

-against-

ARK 48 CORPORATION (d/b/a
TOASTIES), TOASTIES DELI CORP.
(d/b/a TOASTIES), TOASTIES ONE
CORP. (d/b/a TOASTIES), JIN CHOI,
RAYMOND KIM, ROBERT KIM,
SUSAN KIM, and ELLIOT LEE,

Defendants.

Civil Action No. 15-CV-4160 (cm)

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 7/12/16
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STIPULATION OF DISMISSAL WITHOUT PREJUDICE

WHEREAS Plaintiff filed the Complaint in this action on May 29, 2015;

WHEREAS Plaintiff alleges purported violations of the Fair Labor Standards Act
("FLSA") and New York Labor Law;

IT HEREBY IS STIPULATED AND AGREED, by and between the undersigned
counsel for Plaintiff and Defendants, as follows:

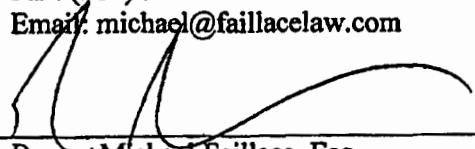
1. After a review of preliminary document discovery, Plaintiff has
determined that his claims will not likely withstand scrutiny under the Fair Labor Standard Act
("FLSA"). Accordingly, Plaintiff has chosen not to pursue claims based on federal law in the
above-captioned litigation, arising under the FLSA or otherwise, and any such claims are hereby
voluntarily dismissed in their entirety and without prejudice ; and

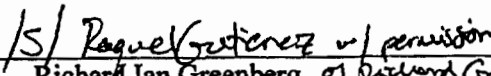
2. Plaintiff's claims based on state law in the above-captioned litigation,
arising under New York State Labor Law or otherwise, are hereby involuntarily dismissed in
their entirety, based on lack of supplemental jurisdiction, without prejudice to Plaintiff

commencing a new action in state court, pursuant to the authority of Section 205 of the Civil Practice Law and Rules ("CPLR") of New York in commencing such action, absent a resolution of such claims between the parties.

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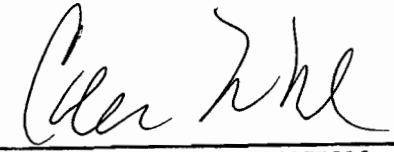
By:  Michael Faillace, Esq.

By:  Richard Ian Greenberg *of Richard Greenberg*

Date: 7-11-16

Date: 7/11/16

SO ORDERED on this 12, day of July, 2016


HON. COLLEEN McMAHON
Chief United States District Judge

vgj